

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1103S.02I  
 Bill No.: SB 217  
 Subject: Crimes and Punishment; Firearms; Children and Minors; Weapons  
 Type: Original  
 Date: April 11, 2023

Bill Summary: This proposal creates the offense of unlawful possession by a minor.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Various State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Less than \$250,000</b>	<b>Less than \$250,000</b>	<b>Less than \$250,000</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>Less than \$250,000</b>	<b>Less than \$250,000</b>	<b>Less than \$250,000</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §571.068 – Unlawful possession by a minor

Officials from the **Department of Social Services (DSS)** state the creation of a crime would potentially increase the number of youth committed to the Division of Youth Services (DYS). It is difficult to predict whether that number will be minimal or substantial and what fiscal impact may occur. Juvenile Office and judicial discretion would play into each individual youth's case, making the impact more difficult to calculate. After discussion with the Office of State Courts Administrator, DYS does not believe there will be a substantial impact to the number of youth committed to DYS and, therefore, the fiscal impact due to the creation of this legislation alone would be minimal.

**Oversight** assumes the DSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes the DSS could absorb the costs related to this proposal.

Officials from the **Office of the State Public Defender (SPD)** state the creation of new offense under section 571.068 would have an unknown fiscal impact on SPD. The creation of this new offense would result in an unknown number of additional cases eligible for SPD representation.

**Oversight** notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Branson Police Department** and the **Phelps County Sheriff's Department** assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** notes a violation of the provisions of this proposal is a class A misdemeanor which carries a fine not to exceed \$2,000 in addition to any individual county/municipal fees and court

costs. The fine revenue for the ticket goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

<b>Fee/Fund Name</b>	<b>Fee Amount</b>
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>VARIOUS STATE FUNDS</b>			
<u>Revenue – (\$571.068) Court costs</u> p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
<b>ESTIMATED NET EFFECT ON</b> <b>VARIOUS STATE FUNDS</b>	<b><u>Less than</u></b> <b><u>\$250,000</u></b>	<b><u>Less than</u></b> <b><u>\$250,000</u></b>	<b><u>Less than</u></b> <b><u>\$250,000</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue</u> – (§571.068) Court costs p. 3-4	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – Schools (§571.068) Fine revenue p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>Less than</u></b> <b><u>\$250,000</u></b>	<b><u>Less than</u></b> <b><u>\$250,000</u></b>	<b><u>Less than</u></b> <b><u>\$250,000</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act creates the offense of unlawful possession of a firearm by a minor. A person under the age of 18 commits such offense if he or she knowingly possesses a concealable firearm, handgun, or ammunition for the use of a concealable firearm or handgun. This offense shall be a Class A misdemeanor. This act shall not apply to a person under the age of 18 who possesses a concealable firearm or handgun at a shooting range or while under the supervision of a parent, guardian, or an adult supervisor approved by his or her parent or guardian.

Additionally, this act provides that any firearm confiscated for the purposes of prosecution or investigation shall be returned to the owner if the firearm was used by a minor to commit an unlawful act and such minor was not the lawful owner of the firearm.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol  
 Department of Social Services  
 Missouri Department of Conservation  
 Missouri Office of Prosecution Services  
 Office of the State Courts Administrator

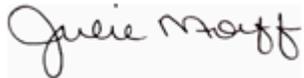
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Office of the State Public Defender  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Phelps County Sheriff's Department  
Branson Police Department



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Director  
April 11, 2023



Ross Strobe  
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April 11, 2023